

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JASON L. BROWN,
Plaintiff,

v.

OFFICER KENNETH FELKER,
Defendant.

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CIVIL ACTION NO. 20-CV-5599

ORDER

AND NOW, this 17th day of November, 2020, upon consideration of Jason Brown's Motion to Proceed *In Forma Pauperis* (ECF No. 1), *pro se* Complaint (ECF No. 2), and "Motion for Preliminary Injunction and Leave to Amend Complaint" (ECF No. 4), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. Brown's Complaint is **DISMISSED** in its entirety as follows:
 - a. Brown's false arrest claims is **DISMISSED WITH PREJUDICE** as time-barred; and
 - b. Brown's malicious prosecution claim is **DISMISSED WITHOUT PREJUDICE** as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). The dismissal is without prejudice to Brown filing a new case only in the event his underlying conviction is reversed, vacated, or otherwise invalidated. He is not granted permission to file an amended complaint in this case.

4. The “Motion for Preliminary Injunction and Leave to Amend Complaint” is **DENIED**.

5. The Clerk of Court shall **CLOSE** this case.

6. No later than fourteen days from the date of this Order, Brown shall **SHOW CAUSE** by filing a “Response to Show Cause Order” not to exceed ten pages stating why the Court should not enjoin him from filing any more civil actions concerning his 2003 robbery conviction without also paying the fees to commence a civil action.

7. Should Brown fail to file a Response as directed by Paragraph 6, the Court will without any further notice enter an order enjoining Brown from filing any future lawsuits about his 2003 robbery conviction unless he pays the fees up front.

BY THE COURT:

/s/Petrese B. Tucker

PETRESE B. TUCKER, J.